

1 RICHARD C. RAINES CSB #062460  
Gagen, McCoy, McMahon, Koss, Markowitz & Raines  
2 279 Front Street  
P.O. Box 218  
3 Danville, CA 94526  
Telephone: (925) 837-0585  
4 Facsimile: (925) 838-5985

5 Robert S. Luther, Esq. (SBN 121242)  
LAW DIVISION OF NRT LLC  
6 Western Region  
1855 Gateway Blvd., Suite 670  
7 Concord, CA 94520  
Telephone: 925.771.5245  
8 Facsimile: 925.771.5332  
Bob.luther@westrsc.com

9 Attorneys for Defendants JENNIFER LOSKAMP  
10 and CHRIS SHAHEEN

11 UNITED STATES BANKRUPTCY COURT  
12 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION  
13

14 In Re:  
15 KINGSWAY CAPITAL PARTNERS, LLC,  
16 \_\_\_\_\_/

Chapter 11 Bankruptcy  
Case No.: 14-31532-HLB

17 KINGSWAY CAPITAL PARTNERS, LLC,  
18 Plaintiff,

Adversary Proceeding No. 14-02149-  
HLB

19 vs.

20 SLAVIK S. LEYDIKER; JAMIE  
ALVAREZ; DAN BEATTY; STEVE  
21 CARMASSI; CUSTARD INSURANCE  
ADJUSTERS; FIRST MERCURY  
22 INSURANCE NAIC #10657; BRET  
HUSTED; INTER WEST INSURANCE  
23 SERVICES; JEFFREY JOHNSON;  
JENNIFER LOSKAMP; MARIA SOSA'S  
24 INSURER; NEW BUYER OF SUBJECT  
PROPERTY; ROOF GUARD COMPANY,  
25 INC.; CHRIS SHAHEEN; MARIA SOSA;  
SOSA MARIA G. TRUST; AND STATE  
26 COMPENSATION INSURANCE FUND  
(CA) NAIC #35076,

NOTICE OF MOTION AND  
MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT

Date: January 22, 2015  
Time: 2:00 p.m.  
Dept: Courtroom 23  
Judge: Hon. Hannah L. Blumenstiel

27 Defendants.  
28 \_\_\_\_\_/

Law Offices of  
GAGEN,  
McCOY,  
McMAHON,  
KOSS,  
MARKOWITZ  
& RAINES  
A Professional  
Corporation  
279 Front Street  
P.O. Box 218  
Danville, CA  
94526  
(925) 837-0585

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF, IN  
2 PRO PER:

3 PLEASE TAKE NOTICE THAT on January 22, 2015, or as soon thereafter as the  
4 matter may be heard in Courtroom 23 of the entitled court, Defendants Jennifer Loskamp  
5 and Chris Shaheen will move this court to dismiss the action pursuant to Federal Rule of  
6 Civil Procedure 12(b)(6) on the grounds that the complaint of plaintiff Kingsway Capital  
7 Partners, LLC fails to state a claim upon which relief can be granted.

8 This motion is based on the following grounds:

9 1. Count I for violation of 15 U.S.C. § 1692(i) as set forth at page 24,  
10 paragraphs 8-10, fails to state facts sufficient to constitute a claim for relief pursuant to  
11 Federal Rule of Civil Procedure 12(b)(6);

12 2. Count II for violation of 15 U.S.C. § 1692(d) as set forth at page 24,  
13 paragraphs 11-13, fails to state facts sufficient to constitute a claim for relief pursuant to  
14 Federal Rule of Civil Procedure 12(b)(6);

15 3. Count III for violation of fraud and conspiracy as set forth at page 24-25,  
16 paragraphs 13-17, fails to state facts sufficient to constitute a claim for relief pursuant to  
17 Federal Rule of Civil Procedure 12(b)(6);

18 4. Count IV for injunctive relief as set forth at page 26, paragraphs 18-19,  
19 fails to state facts sufficient to constitute a claim for relief pursuant to Federal Rule of  
20 Civil Procedure 12(b)(6); and

21 5. Count V for fraud as set forth at page 26-27, paragraphs 20-25, fails to state  
22 facts sufficient to constitute a claim for relief pursuant to Federal Rule of Civil Procedure  
23 12(b)(6).

24 This motion will be based on this Notice of Motion, the Memorandum of Points  
25 and Authorities, the Request for Judicial Notice filed herewith and the pleadings and  
26 papers filed herein.

27 /////

28 /////

Law Offices of  
GAGEN,  
McCOY,  
McMAHON,  
KOSS,  
MARKOWITZ  
& RAINES  
A Professional  
Corporation  
279 Front Street  
P.O. Box 218  
Danville, CA  
94526  
(925) 837-0585

1 Dated: December 10, 2014

Gagen, McCoy, McMahon, Koss, Markowitz &  
Raines  
A Professional Corporation

By: Richard C. Raines  
Attorneys for Defendants JENNIFER  
LOSKAMP and CHRIS SHAHEEN

24 Law Offices of  
25 GAGEN,  
26 McCOY,  
27 McMAHON,  
28 KOSS,  
MARKOWITZ  
& RAINES  
A Professional  
Corporation  
279 Front Street  
P.O. Box 218  
Danville, CA  
94526  
(925) 837-0585